

09
30.11.2021
TN

WPA No.23716 of 2019

Md. Azim @ Md. Azim Sk.
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

Md. Rafiqul Islam

.... for the petitioner

Mr. Srijan Nayak,
Ms. Rituparna Maitra

....for the WBSEDCL

Affidavit-of-service filed in court today be kept
on record.

The grievance of the petitioner is that final
assessment regarding the alleged dues from the
petitioner was made by the Distribution Company
without giving any opportunity of hearing to the
petitioner.

It is further submitted that the amount finally
assessed is equal to the provisional assessment and,
as such, indicates non-application of mind by the
Distribution Company.

However, by placing reliance on Annexure-P6 at
page-36 of the writ petition itself, learned counsel for

the Distribution Company points out that as long back as on November 21, 2019, a communication was made in writing to the petitioner indicating that a date for hearing was being fixed for the purpose of final assessment on November 28, 2019, failing which it would be treated as *ex parte* and final assessment order would be passed accordingly.

Since the writ petition itself was filed on December 17, 2019, that is, much thereafter, it does not lie in the mouth of the petitioner to contend that no opportunity of hearing was given to the petitioner. As such, there is no merit in the instant writ petition.

Accordingly, WPA No.23716 of 2019 is dismissed.

However, it is made clear that in the event the petitioner deposits the finally assessed amount within the time specified in law, the Distribution Company shall give the electric connection to the petitioner in accordance with law, subject to compliance of all legal formalities.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)